COMMITTEE REPORT

MADAM PRESIDENT:

 The Senate Committee on Judiciary, to which was referred Senate Bill No. 24, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

1   Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3   "SECTION 1. IC 10-13-6-8, AS AMENDED BY P.L.142-2005,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2009]: Sec. 8. (a) The superintendent may establish a data
6 base of DNA identification records of:
7   (1) convicted criminals;
8   **(2) persons arrested for a felony;**
9   ~~(2)~~ **(3)** crime scene specimens;
10   ~~(3)~~ **(4)** unidentified missing persons; and
11   ~~(4)~~ **(5)** close biological relatives of missing persons.
12   (b) The superintendent shall maintain the Indiana DNA data base.
13   (c) The superintendent may contract for services to perform DNA
14 analysis of convicted offenders **and persons arrested for a felony**
15 under section 10 of this chapter to assist federal, state, and local
16 criminal justice and law enforcement agencies in the putative
17 identification, detection, or exclusion of individuals who are subjects
18 of an investigation or prosecution of a sex offense, a violent crime, or
19 another crime in which biological evidence is recovered from the crime

1   scene.

2   (d) The superintendent:

3   (1) may perform or contract for performance of testing, typing, or

4   analysis of a DNA sample collected from a person described in

5   section 10 of this chapter at any time; and

6   (2) shall perform or contract for the performance of testing,

7   typing, or analysis of a DNA sample collected from a person

8   described in section 10 of this chapter if federal funds become

9   available for the performance of DNA testing, typing, or analysis.

10   (e) The superintendent shall adopt rules under IC 4-22-2 necessary

11   to administer and enforce the provisions and intent of this chapter.

12   (f) The detention, arrest, or conviction of a person based on a data

13   base match or data base information is not invalidated if a court

14   determines that the DNA sample was obtained or placed in the Indiana

15   DNA data base by mistake.".

16   Page 2, line 17, after "bond;" strike "or".

17   Page 2, line 20, after "IC 35-38-1-27" delete "." and insert "; **or**

18   **(4) law enforcement agency that processes the person arrested**

19   **for a felony.**".

20   Page 2, between lines 26 and 27, begin a new paragraph and insert:

21   "SECTION 3. IC 10-13-6-18 IS AMENDED TO READ AS

22   FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) A person whose

23   DNA profile has been included in the Indiana DNA data base may

24   request expungement of the profile from the DNA data base on the

25   grounds that:

26   **(1)** the conviction on which the authority for inclusion in the

27   Indiana DNA data base was founded has been reversed and the

28   case has been dismissed; **or**

29   **(2) the person was arrested for a felony and:**

30   **(A) the person was acquitted of all charges and is not**

31   **otherwise required to submit a DNA sample;**

32   **(B) the person was convicted and the conviction has been**

33   **reversed and the case dismissed; or**

34   **(C) the case has been dismissed.**

35   (b) All identifiable information in the Indiana DNA data base

36   pertaining to a person requesting expungement under subsection (a)

37   shall be expunged, and all samples from the person shall be destroyed

38   upon receipt of:

1   (1) a written request for expungement under subsection (a);

2   (2) a certified copy of the court order reversing and dismissing the

3   conviction, **establishing an acquittal, or showing that the case**

4   **has been dismissed;** and

5   (3) any other information necessary to ascertain the validity of the

6   request.

7   (c) Upon expungement of a person's DNA profile from the Indiana

8   DNA data base, the superintendent shall request expungement of the

9   person's DNA profile from the national DNA data base.".

10   Page 7, line 42, beginning with "(d)" begin a new paragraph.

11   Renumber all SECTIONS consecutively.

        (Reference is to SB 24 as printed January 9, 2009.)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 7, Nays 2.

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        Bray   **Chairperson**